

EXHIBIT 11

To the Frawley Declaration
ISO Plaintiffs' Motion to Strike
Non-Retained Expert
Declarations

DOCUMENT SOUGHT TO
BE SEALED

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION

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4 CHASOM BROWN, et al.,)
5 on behalf of themselves and)
6 all others similarly)
7 situated,)
8 Plaintiffs,)
9 vs.) Case No.
10 GOOGLE LLC,) 5:20-cv-03664-LHK
11 Defendant.)

-----)

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13
14 Videotaped Zoom Deposition of
15 GEORGE LEVITTE
16 Tuesday, March 15, 2022

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19
20
21
22
23 Katy E. Schmidt
24 RPR, RMR, CRR, CSR 13096
25 Veritext Job No.: 5130921

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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CHASOM BROWN, et al.,)
on behalf of themselves and)
all others similarly)
situated,)
 Plaintiffs,)
vs.) Case No.
GOOGLE LLC,) 5:20-cv-03664-LHK
 Defendant.)
_____)

BE IT REMEMBERED that, pursuant to Notice, and
on Tuesday, the 15th day of March, 2022, commencing at
the hour of 9:08 a.m., thereof, in New York City, New
York, before me, KATY E. SCHMIDT, a Certified Shorthand
Reporter in and for the County of Yolo, State of
California, there virtually personally appeared

GEORGE LEVITTE
called as a witness herein, who, being by me first duly
sworn, was thereupon examined and interrogated as
hereinafter set forth.

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1 APPEARANCES:

2 For The Brown Plaintiffs:

3 (Appeared via Zoom)

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17 For The Defendants:

18 (Appeared via Zoom)

19 QUINN EMANUEL URQUHART & SULLIVAN LLP

BY: TEUTA FANI, Esq.

20 BY: CRYSTAL NIX-HINES, Esq.

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22 Also present:

23 Sean Grant, Videographer

24 Matthew Gubiotti, In-house counsel

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INDEX OF EXAMINATION

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Examination by Mr. McGee

08

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QUESTIONS INSTRUCTED NOT TO ANSWER

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INDEX OF EXHIBITS

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Exhibit 1	Declaration of George Levitte Regarding Google Ad Manager Profits in Opposition to Plaintiffs' Motion for Class Certification	06
Exhibit 2	Defendant's Amended Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1)	18

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1 NEW YORK CITY, NEW YORK

2 TUESDAY, MARCH 15, 2022; 9:08 A.M.

3 ---o0o---

4 (Plaintiffs' Exhibit 1 was

5 marked for identification.)

6 THE VIDEOGRAPHER: Good afternoon. We're on 09:08
7 the record. The time is 12:08 p.m. Eastern standard 09:08
8 time and the date is March 15th, 2022. 09:08

9 This begins the videotaped deposition of 09:09
10 George Levitte. This deposition is being taken by 09:09
11 counsel for plaintiffs in the matter of Chasom Brown, 09:09
12 et al. versus Google, LLC. This case is filed in the 09:09
13 United States District Court, Northern District of 09:09
14 California, San Jose division, Case No. 4 colon 20 dash 09:09
15 CV dash 03664 dash YGR dash SVK, and is being held 09:09
16 remotely by Veritext. 09:09

17 My name is Sean Grant from the firm Veritext. 09:09
18 I'm the videographer. 09:09

19 And the court reporter is Kathryn Schmidt, 09:09
20 also from Veritext. 09:09

21 Please note that audio and video recording 09:09
22 will take place unless all parties have agreed to go off 09:09
23 the record. 09:09

24 At this time will counsel please identify 09:09
25 themselves and state whom they represent, beginning with 09:09

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1 fine. 11:14

2 BY MR. MCGEE: 11:14

3 Q. Mr. Levitte, any other functional differences 11:14

4 that you can testify to between AdSense and Ad Manager? 11:14

5 A. Ad Manager in general has a lot more settings 11:14

6 and controls for the publisher to use because it is 11:14

7 geared towards advanced publishers, whereas AdSense is 11:14

8 far more simplified because it is trying to be usable by 11:14

9 smaller publishers. 11:15

10 Q. Mr. Levitte, are you familiar with what 11:15

11 cookies are used by Google Ad Manager? 11:15

12 MS. FANI: Objection. Vague. 11:15

13 THE WITNESS: Sorry. When you say what 11:15

14 cookies, could -- could you clarify what you mean? 11:15

15 BY MR. MCGEE: 11:15

16 Q. Sure. 11:15

17 The cookie -- you've previously testified that 11:15

18 there are cookies that are set when a user visits a 11:15

19 website. 11:15

20 So I'm wondering what cookies Ad Manager uses 11:15

21 in that context? 11:15

22 MS. FANI: Same objection. 11:15

23 THE WITNESS: I am not familiar with all of 11:16

24 the cookies that Ad Manager uses. I am familiar with 11:16

25 Biscotti. 11:16

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1 BY MR. MCGEE:

2 Q. Are you familiar with -- or do you know -- let 11:16
3 me ask it this way: Do you know any other cookies aside 11:16
4 from Biscotti that are used by Ad Manager? 11:16

5 MS. FANI: Objection. Vague. 11:16

6 THE WITNESS: I'm not a serving engineer or a 11:16
7 tagging engineer, so I don't know specifically what 11:16
8 cookies we use. 11:16

9 BY MR. MCGEE: 11:16

10 Q. And what about for AdSense, does AdSense also 11:16
11 use Biscotti cookies? 11:16

12 MS. FANI: Same objection. 11:16

13 THE WITNESS: Same response. I'm not a 11:16
14 serving engineer or a tagging engineer, and so I'm not 11:16
15 really certain which cookies that tag sets or reads. 11:16

16 BY MR. MCGEE: 11:17

17 Q. Are you familiar with a function called 11:17
18 [REDACTED]? 11:17

19 MS. FANI: Objection. Lacks foundation. 11:17
20 Vague. 11:17

21 BY MR. MCGEE: 11:17

22 Q. Just asking if you're familiar with something 11:17
23 called [REDACTED]. 11:17

24 Have you ever heard the word [REDACTED] or 11:17
25 the term [REDACTED] used? 11:17

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1 MS. FANI: Same objection -- 11:17

2 THE WITNESS: I don't know -- I don't know 11:17

3 what that is. 11:17

4 BY MR. MCGEE: 11:17

5 Q. Are you familiar -- let me back this up. 11:17

6 Have you ever heard of any functionality on a 11:17

7 browser that would restrict third-party cookies from 11:17

8 being set? 11:17

9 MS. FANI: Objection. Vague. 11:18

10 THE WITNESS: Yes. 11:18

11 BY MR. MCGEE: 11:18

12 Q. What is your basis? 11:18

13 A. I believe that many browsers have some setting 11:18

14 that allows a user to control how the browser handles 11:18

15 third-party cookies. 11:18

16 Q. When people visit non-Google websites, are the 11:18

17 Google Ad Manager cookies blocked by those third-party 11:18

18 cookie control settings you testified about? 11:18

19 A. If the user visits a non-Google site and that 11:19

20 site is using our ad tag, then we would be a 11:19

21 third-party domain, and I believe we would be subject 11:19

22 to whatever settings the browser has for handling 11:19

23 cookies from third-party domains. 11:19

24 Q. Are you sure about that or is that just your 11:19

25 general understanding? 11:19